

RECEIVED

FEB 18 2009

Ombudsman Services Unit

RECEIVED

JAN 15 2009

ROSP
Major

TO: MAJOR L. FLEMING

FROM: K. BROWN #207902 D/313

DATE: 01/14/09

I submit this letter to you, in regards to a conversation I held with you on JAN. 13, 2009, with you, we discussed: why my publication(s) (THE FINAL CALL NEWSPAPER) WAS BEING DENIED.

I shared with you, this is a REGIONAL publication. It doesn't advocate, teach, nor promote violence, lawlessness, insurrection, gang activity, nor terrorist activity. It neither teaches, nor advise misbehavior towards law or law enforcement/establishments.

My publication has been REPEATEDLY denied since November 2008 (more than 10 issues: it's a weekly publication). This is an approved publication from Richmond. I've been receiving this publication since 1994, and never had one disapproved.

MOREOVER, there has never been an incident of violence, attacks, especially assaults, escapes, terrorist plot, or gang activity at the hands
(BACK)

of this publication. This publication has been a source of rehabilitation, spiritual teachings, and hope for those we read and embrace its message.

I conclude by saying, I firmly believe, after being at R.O.S.P. for over 7 months and receiving this publication for 3 months prior to Nov. 2008, that it's clear by authorities, this publication does not - in no form or fashion - pose a threat to R.O.S.P., its staff, its officers, nor its security or general/segregation population. Again, the information contained in this publication is good for the population. (There has been no evidence to prove otherwise. Because it's Islamic in nature should not be enough to deter, deny or refuse me or others this publication. It's no different than those who disapprove of Christian message, but that's not enough to deny, deter, or refuse the population its content.)

I humbly ask you to look into this matter, that include, why my publication is being denied every week, every issue - when it's an approved publication - per Richmond. (I've been receiving it for over

PG. 3

14 YEARS. Truthfully, this publication is not a
THREAT to R.O.S.P. ESPECIALLY WHEN OVER 88%-
95% of the population is locked behind A door
23 hrs. A days- sometimes 24 hrs. A day

I ASK THAT you PLEASE INFORM me as to what,
within this publication that impedes upon
D.O.P. 803.2 #12.

THANK you, AND I LOOK FORWARD to HEARING
FROM you.

Sincerely,
Michael Brown

cc/ MAJOR Fleming
WARDEN T.S. RAY
John Sabe

RECEIVED

FEB 18 2009

Ombudsman Services Unit



Informal Complaint

INSTRUCTIONS FOR FILING: Briefly write your issue in the space provided on the Informal Complaint form, preferably in ink. Only one issue per Informal Complaint. Place your complaint in the designated area at your facility. A receipt is issued within 2 working days from the date received if the informal complaint is not returned during intake. If no response is received within 15 calendar days, you may proceed in filing a regular grievance. You may utilize your receipt as evidence of your attempt to resolve your complaint.

Offender Name: K. Brown Offender Number: 207902 Housing Assignment: [REDACTED]

☒ Unit Manager/Supervisor ☐ Food Service ☐ Treatment Program Supervisor
☐ Personal Property ☐ Commissary ☐ Mailroom
☐ Medical Administrator ☐ Other (Please Specify): _____

Briefly explain the nature of your complaint (be specific):

My publications of THE FINAL CALL NEWSPAPER HAVE BEEN REPEATEDLY DENIED by R.O.S.P. My publication VOL. 28 NO. 6 (12/2/08); VOL. 28. NO. 7 (12/05/08) AND VOL. 28. NO. 9 (12/22/08), CLAIM to HAVE BEEN SENT to PRC. YET, IT'S BEEN OVER 20 DAYS AND 45 DAYS I HAVEN'T HEARD ANYTHING. THIS VIOLATES 803.7

Offender Signature: K. Brown Date: 01/26/09
 Offenders - Do Not Write Below This Line

Date Received: 1/27/09 Tracking #: 10490
 Response Due: 2/11/09 Assigned to: Major

Action Taken/Response:

These were Disapproved here at Resp. They have been sent to PRC and this means they will notify you of their findings.

RECEIVED

FEB 18 2009

Ombudsman Services Unit

Respondent Signature: [Signature] Printed Name and Title: LPH [Signature] Date: 1/28/09
 Original - Offender First Copy - File Second Copy - Offender as Intake Receipt



INMATE REQUEST FOR INFORMATION/SERVICE

INSTRUCTIONS FOR FILING: If you have a complaint that may result in a formal grievance, you must use the Informal Complaint Form. This form is to be used for requesting general information through specific departments. Please ensure that your topic coincides with the appropriate department.

Please fill out form & send to (please check one below) and place in the institutional mail:

- | | | |
|--|--|---|
| <input type="checkbox"/> Warden | <input type="checkbox"/> DCE | <input checked="" type="checkbox"/> Mailroom |
| <input type="checkbox"/> Assistant Warden | <input type="checkbox"/> Mental Health | <input type="checkbox"/> Inmate Grievance Office |
| <input type="checkbox"/> Major (security) | <input type="checkbox"/> Medical | <input type="checkbox"/> Safety Officer |
| <input type="checkbox"/> Treatment/TPS | <input type="checkbox"/> Food Service | <input type="checkbox"/> Institutional Investigator |
| <input type="checkbox"/> Operations Officer | <input type="checkbox"/> Dentist | <input type="checkbox"/> Buildings & Grounds |
| <input type="checkbox"/> Business Office | <input type="checkbox"/> Recreation Supervisor | <input type="checkbox"/> Laundry |
| <input type="checkbox"/> Property Control | <input type="checkbox"/> Inmate Records | <input type="checkbox"/> Chaplain |
| <input type="checkbox"/> Unit Manager, _____ Bldg. | <input type="checkbox"/> Disciplinary Hearings Officer | <input type="checkbox"/> Other _____ |

K. BROWN	207902	D	313
Inmate's Last Name	First Name	Number	Building

PLEASE STATE YOUR QUESTION:

I AM WRITING IN CONCERN OF MY NEWS-PAPER - THE FINAL CALL - THAT I HAVE NOT RECEIVED THIS MONTH. THIS IS A WEEKLY - APPROVED PUBLICATION - IT COMES EVERY WEEK. I HAVE NOT BEEN ADVISED AS TO THE STATUS OF MY PAPER.

THIS IS AN APPROVED PUBLICATION, FOR WHICH I'VE RECEIVED 10 PRIOR WEEKS BEFORE A DECISION WAS RENDERED TO DENY MY ISSUE IN NOV. 2008. P.R.C. HAS APPROVED THIS PUBLICATION. THIS IS A BELIGIOUS TEXT, AND MUST BE REVIEWED AS SUCH.

WHAT'S THE ISSUE WITH MY PAPER? (I) STILL MUST ABIDE BY D.C.P. 802.2.

PLEASE RESPOND

Inmate's Signature: _____

K. Brown

Date: 01/23/09

RECEIVED

STAFF RESPONSE:

FEB 18 2009

Mr. Brown,

Ombudsman Services Unit

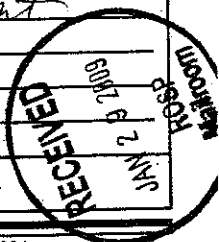
Each issue that has arrived and been denied has been sent to personal property.

They sent you notice of them being sent to the P.R.C.

Respondent's Signature: _____

I. Pease

Date: 1-29-09





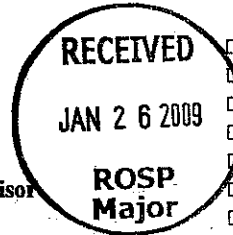
INMATE REQUEST FOR INFORMATION/SERVICE

INSTRUCTIONS FOR FILING: If you have a complaint that may result in a formal grievance, you must use the Informal Complaint Form. This form is to be used for requesting general information through specific departments. Please ensure that your topic coincides with the appropriate department.

Please fill out form & send to (please check one below) and place in the institutional mail:

- ☐ Warden
- ☐ Assistant Warden
- ☒ Major (security)
- ☐ Treatment/TPS
- ☐ Operations Officer
- ☐ Business Office
- ☐ Property Control
- ☐ Unit Manager, _____ Bldg. _____

- ☐ DCE
- ☐ Mental Health
- ☐ Medical
- ☐ Food Service
- ☐ Dentist
- ☐ Recreation Supervisor
- ☐ Inmate Records
- ☐ Disciplinary Hearings Officer



- ☐ Mailroom
- ☐ Inmate Grievance Office
- ☐ Safety Officer
- ☐ Institutional Investigator
- ☐ Buildings & Grounds
- ☐ Laundry _____
- ☐ Chaplain
- ☐ Other _____

K. BROWN Inmate's Last Name	207902 First Name	[REDACTED] Number	[REDACTED] Building	[REDACTED] Cell Number
<p>PLEASE STATE YOUR QUESTION: I spoke with you last week, when you made ad rounds in H.U. D/300 and I spoke to you regarding a continuous denial of my religious publication - to visit the final call newspaper. I shared with you, since the second week of Nov 2008, I have not received my religious publication. I further stated, this is an approved publication per P.R.C. in Richmond. This publication is never be treated as though it's banned. I've been receiving this publication for over 14 yrs. 4 different prisons, never having one denied. Prior to you denying my publication, I had received over 10 issues out of prison, you chose to deny my publication, and every issue since Nov 2008. It appears you're alleging the same issue with each issue of the paper. This publication does not teach, advocate, promote or advise violence, gang activity, terrorist activity, insurrection or in any way promote disobedience to laws, law enforcement or the civil order of prison. For this matter it does not violate D.O.P. 803-2 #12. You have no data/intelligence to suggest that this publication or its content creates disorder or a threat to other prison. Every prison to D.O.C. permit this publication, yet you have a personal problem with it. That's not legal. Please let me know what the problem is.</p> <p>Inmate's Signature: <u>K. Brown</u> Date: <u>01/23/09</u></p>				
<p>STAFF RESPONSE: These Publications were removed and is my opinion violation Policy. They have been sent to P.R.C. for their opinion.</p>				
<p>RECEIVED FEB 18 2009 Ombudsman Services Unit</p>				
Respondent's Signature: <u>[Signature]</u>			Date: <u>1/26/09</u>	



REGULAR GRIEVANCE FORM

RECEIVED

Log Number 29039

FEB 17 2009

BROWN, K.	207902	Deputy Director Operations	313
Last Name	First	Number	Cell Number

WHAT IS YOUR COMPLAINT? (Provide information from the informal process: who did you see, when did you see them, what was done OR attach informal complaint if implementation Memorandum requires such). IN LIEU OF THIS GRIEVANCE, ON DEC.

8, 2008, I WAS ADVISED THAT MY RELIGIOUS NEWSPAPER: FEMAL CAL VOL 28 NO 5 WAS BEING DENIED DUE TO VIOLATING D.O.P.
803.2 #12. THIS NEWSPAPER APPROVED IN NOV 2008. AFTER A CAREFUL STUDY OF D.O.P. 803.2 #12, I'VE CONCLUDED MAJOR FIEMEN
HAS ERRORED IN HIS JUDGMENT OF THIS PUBLICATION. I APPROVED AT B.O.S.P. ON 6/18/08. I WAS RECEIVING THE PUBLICATION
AT ARLINGTON, AND APPROVED HERE ON 8/25/08. I'VE RECEIVED AT LEAST 12 OF THESE PAPERS. THIS PAPER IS A RELIGIOUS PAPER,
IT DOES NOT PROMOTE VIOLENCE, INSUBORDINATION, GANG ACTIVITY, NOR TERRORIST ACTIVITY. THERE HAS NEVER BEEN AN ACT OF
VIOLENCE WITHIN D.O.C. OR B.O.S.P., AS A RESULT OF THE PUBLICATION. I'VE BEEN RECEIVING THIS PAPER SINCE 1999. I'VE NEVER
USED THIS PAPER BEYOND ITS MEANS OF RELIGION AND CULTURAL AWARENESS. THIS PAPER HAS BEEN A CATALYST FOR MY TRANSFER
FROM, AND HAS NOT COMPROMISED MY TREATMENT PLAN(S), THE SECURITY OF B.O.S.P./D.O.C., OR SEPARATED THE SAFETY OF B.O.S.P.'S
STAFF, OFFICERS, OR POPULATION. THERE HAS BEEN NO EVIDENCE TO SUPPORT THAT THE PUBLICATION VIOLATES 803.2 #5. THIS
SHOULD NOT BE ARBITRARY, BUT BASED SOLELY UPON FACTS, ESPECIALLY WHEN THIS IS AN ALREADY APPROVED PUBLICATION.

What action do you want taken? FIRST, THAT, BEING THIS IS ALREADY AN APPROVED PUBLICATION, ALLOWS ME TO HAVE IT.
SECONDLY, THIS MATTER SHOULD BE BASED UPON FACTS, NOT MORE QUESTS OR SOMEONE'S PERSONAL DESIRE FOR THE
PUBLICATION. THIRDLY, THIS IS NOT A D.O.C. BAN (EVER) PAPER I'VE RECEIVED SINCE NOV 2008, HAS BEEN DENIED,
AFTER IT'S APPROVAL. FOURTH, IF I'M UNABLE TO RECEIVE THESE PUBLICATIONS, AFTER B.O.S.P. APPROVED
IT, I SHOULD BE RE-IMBURSED - FROM THE STATE - FOR MY LOSSES.

Grievant's Signature:

K. Brown

Date: 1/10/09

Warden/Superintendent's Office:

J. Taylor

RECEIVED

FEB 18 2009

Date Received:

1/13/09

Ombudsman Services Unit

RECEIVED

JAN 13 2009

GRIEVANCE

RECEIVED

FEB 17 2009

Deputy Director, Operations

MEMORANDUM

Red Onion State Prison

Warden: Tracy S. Ray

TO: Brown Kelvin 207902 D 313
FROM: Major L. Fleming, Chief of Security
DATE: 12/2/2008
SUBJECT: Publication Disapproval

Your publication the final call vol 28 # 5 has been received and I have reviewed this publication and determined that it violates Division Operating Procedure 803.2 # 12. Therefore, I am disapproving possession of this publication, pending review by the Publication Review Committee.

Your publication will be forwarded to the Publication Review Committee and you will be notified of their decision. At that time, if you are dissatisfied with the decision of the Publication Review Committee, you may appeal through the provisions established in the Inmate Grievance Procedure.

If you wish to dispose of this publication, in accordance with Division Operating Procedure 856, instead of having it reviewed by the Publication Review Committee, you must notify me within **three (3) working days** of how you want to dispose of it. If you choose to dispose of the publication, you waive your right to appeal the decision to disapprove your possession of it. (DOP 852 Attachment 4, Disapproved Publication Disposition and Waiver of Appeal Form).

LF/sb

cc: File

RECEIVED

FEB 18 2009

Ombudsman Services Unit

RECEIVED

JAN 13 2009

GRIEVANCE

RECEIVED

FEB 17 2009

Deputy Director Operations

MEMORANDUM

Red Onion State Prison

Warden: Tracy S. Ray

TO: Brown Kelvin 207902 D 313
FROM: Major L. Fleming, Chief of Security
DATE: 1/9/2009

SUBJECT: Publication Disapproval

Your publication The Final Call Vol 28 # 5 has been reviewed by PRC and it has been determined that you cannot possess these publications.

This publication has been disapproved due to the violation of Division Operating Procedure 803.2 # 12. If you are dissatisfied with this decision you may appeal through the provisions established in the Inmate Grievance Procedure within five (5) working days. Otherwise, in accordance with Division Operating Procedure 856, you must dispose of this property as established in Operating Procedure 856 Attachment G, Property Disposition Form.

LF/sb

(If the grievance coordinator receives a grievance, then he/she must notify personal property/mailroom to retain publication pending review of grievance at all levels).

cc: File

RECEIVED

FEB 18 2009
Ombudsman Services Unit

RECEIVED

JAN 13 2009

GRIEVANCE

**RECEIVED**

FEB 17 2009

INMATE REQUEST FOR INFORMATION/SERVICE

Deputy Director, Operations

INSTRUCTIONS FOR FILING: If you have a complaint that may result in a formal grievance, you must use the Informal Complaint Form. This form is to be used for requesting general information through specific departments. Please ensure that your topic coincides with the appropriate department.

Please fill out form & send to (please check one below) and place in the institutional mail:

- | | | |
|--|-------------------------------------|---|
| <input type="checkbox"/> Warden | <input type="checkbox"/> DCE | <input checked="" type="checkbox"/> Mailroom |
| <input type="checkbox"/> Assistant Warden | <input type="checkbox"/> Mental He | <input type="checkbox"/> Inmate Grievance Office |
| <input type="checkbox"/> Major (security) | <input type="checkbox"/> Medical | <input type="checkbox"/> Safety Officer |
| <input type="checkbox"/> Treatment/TPS | <input type="checkbox"/> Food Serv | <input type="checkbox"/> Institutional Investigator |
| <input type="checkbox"/> Operations Officer | <input type="checkbox"/> Dentist | <input type="checkbox"/> Buildings & Grounds |
| <input type="checkbox"/> Business Office | <input type="checkbox"/> Recreation | <input type="checkbox"/> Laundry |
| <input type="checkbox"/> Property Control | <input type="checkbox"/> Inmate R | <input type="checkbox"/> Chaplain |
| <input type="checkbox"/> Unit Manager, _____ Bldg. | <input type="checkbox"/> Disciplina | <input type="checkbox"/> Other _____ |

K. BROWN	207902	D	313
Inmate's Last Name	First Name	Number	Building

PLEASE STATE YOUR QUESTION:

MS. PEASE, I'M STILL NOT RECEIVING MY PAPERS BESIDES THE ISSUES OF 11/11/08; 11/18/08, IT STILL HAVEN'T RECEIVED MY PAPER FROM LAST WEEK OR THIS WEEK.

MY FAMILY CONTACTED ABLISTER AND THEY'VE STATED MY PAPERS ARE IN FACT BEING DELIVERED.

ALSO, WHY HASN'T SOMEONE GIVING ME NOTICE- CARBON, AS OUTLINED IN 803.1 THAT MY PAPERS ARE BE DENIED? AND, WHAT WAS HIS REASON FOR DISAPPROVING IT? I'M SURE YOU GAVE IT TO HER; OR SOMEONE IN THE MAILROOM. CURRENTLY MY MAIL HAS BEEN STOLEN.

Please Respond.

Inmate's Signature: M. G. Brown **RECEIVED** Date: 12/05/08

STAFF RESPONSE:

FEB 18 2009

Mr. Brown.

Ombudsman Services Unit

The Final Call Vol. 28 Nov-25-08 also has been disapproved.

Your notification of these disapprovals are sent from personal property. You should contact them.

Respondent's Signature: I PeaseDate: 12-05-08

RECEIVED
JAN 13 2009
GRIEVANCE

RECEIVED
DEC 5 2008
AUSP Mailroom



RECEIVED

INMATE REQUEST FOR INFORMATION/SERVICE FEB 17 2009

Deputy Director, Operations

INSTRUCTIONS FOR FILING: If you have a complaint that may be a formal grievance, you must use the Informal Complaint Form. This form is to be used for requesting general information through appropriate department.

If in a formal grievance, you must use the Informal Complaint Form. departments. Please ensure that your topic coincides with the

Please fill out form & send to (please check one below)

and place in the institutional mail:

- ☐ Warden
- ☐ Assistant Warden
- ☐ Major (security)
- ☐ Treatment/TPS
- ☐ Operations Officer
- ☐ Business Office
- ☐ Property Control
- ☐ Unit Manager, _____ Bldg. _____

- ☐ DCE
- ☐ Mental
- ☐ Medical
- ☐ Food S.
- ☐ Dentist
- ☐ Recreation supervisor
- ☐ Inmate records
- ☐ Discipline Hearings Officer

- ☒ Mailroom **PEASE**
- ☐ Inmate Grievance Office
- ☐ Safety Officer
- ☐ Institutional Investigator
- ☐ Buildings & Grounds
- ☐ Laundry
- ☐ Chaplain
- ☐ Other _____

MR. K. BROWN	20492	D	313
Inmate's Last Name	First Name	Number	Building

PLEASE STATE YOUR QUESTION:

I AM AGAIN INQUIRING ABOUT MY FINAL CALL NEWSPAPER. I DID NOT GET MY PAPER LAST WEEK - THE WEEK OF DEC. 1-5.

WILL I EVER RECEIVE MY PAPER? IS MY PUBLICATION BEING DENIED - ALL TOGETHER? IF SO, LET ME KNOW SO I CAN HAVE MY FAMILY CONTACT PUBLISHER.

THOUGH NO ALREADY APPROVED PUBLICATION IS TO BE DENIED - ALL TOGETHER - WITHOUT PRIOR APPROVAL.

PLEASE RESPOND
THANK YOU.

Inmate's Signature: Mr. K. Brown

Date: 12/08/08

STAFF RESPONSE:

This week issue Dec 1 - Dec 5 has not arrived yet. If the major doesn't disapprove them they will be sent to you.

Respondent's Signature: J. Pease

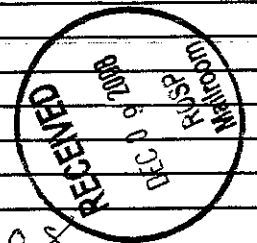
Health
al
ervice
tion Su
Reco
nary

Ombudsman Services Unit

Date: 12-09-08

RECEIVED
JAN 13 2009
GRIEVANCE

RECEIVED





RECEIVED

FEB 17 2009

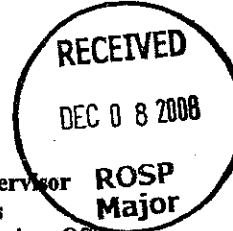
INMATE REQUEST FOR INFORMATION/SERVICE

Deputy Director, Operations

INSTRUCTIONS FOR FILING: If you have a complaint that may result in a formal grievance, you must use the Informal Complaint Form. This form is to be used for requesting general information through specific departments. Please ensure that your topic coincides with the appropriate department.

Please fill out form & send to (please check one below) and place in the institutional mail:

- | | | |
|---|--|---|
| <input type="checkbox"/> Warden | <input type="checkbox"/> DCE | <input type="checkbox"/> Mailroom |
| <input type="checkbox"/> Assistant Warden | <input type="checkbox"/> Mental Health | <input type="checkbox"/> Inmate Grievance Office |
| <input checked="" type="checkbox"/> Major (security) <u>FLEMING</u> | <input type="checkbox"/> Medical | <input type="checkbox"/> Safety Officer |
| <input type="checkbox"/> Treatment/TPS | <input type="checkbox"/> Food Service | <input type="checkbox"/> Institutional Investigator |
| <input type="checkbox"/> Operations Officer | <input type="checkbox"/> Dentist | <input type="checkbox"/> Buildings & Grounds |
| <input type="checkbox"/> Business Office | <input type="checkbox"/> Recreation Supervisor | <input type="checkbox"/> Laundry |
| <input type="checkbox"/> Property Control | <input type="checkbox"/> Inmate Records | <input type="checkbox"/> Chaplain |
| <input type="checkbox"/> Unit Manager, _____ Bldg. | <input type="checkbox"/> Disciplinary Hearings Officer | <input type="checkbox"/> Other _____ |



<u>K. BROWN</u>	<u>207902</u>	<u>[REDACTED]</u>	<u>[REDACTED]</u>
Inmate's Last Name	First Name	Number	Cell Number

PLEASE STATE YOUR QUESTION: I'VE BEEN TOLD, VIA REQUEST, BY THE MAIL ROOM THAT YOU HAVE DISAPPROVED TWO OF MY FINAL CALL NEWSPAPER (NOV. 11, 2008 & NOV. 18, 2008). I'VE COMPLAINED TO MR. PEASE STATING I HAVE ONLY RECEIVED ONE OF MY WEEKLY FINAL CALLS IN OVER 5 WKS (LAST BEING THE WK. OF NOV. 6, 2008).

I WAS TOLD, ON 12/03/08, THAT YOU DISAPPROVED MY NEWSPAPER. IN THE 14 1/2 YRS. I'VE BEEN RECEIVING THIS PUBLICATION, I'VE NEVER HAD ONE DISAPPROVED THIS IS A BERTHOLM ORIENTATED NEWSPAPER. IT DOES NOT PROMOTE, ADVOCATE, NOR (PROMOTE) ADVERTISE VIOLENCE, INSURRECTION, GANG ACTIVITY OR ANYTHING THAT PSES A THREAT TO R-D-S P/D-O-C. AND/OR STAFF OR PRISONERS.

ALSO, ACCORDING TO OPERATING PROCEDURE 803.1, I SHOULD HAVE BEEN NOTIFIED THAT MY MAIL WAS DISAPPROVED. AS, TO THIS DAY, I'VE YET TO RECEIVE ANY TYPE OF NOTIFICATION. YOU SUPPOSE TO BE A MAN OF POLICY / REGULATOR, AND YET STRAIGHT VIOLATED MR. CURRENTLY, MY MAIL IS STOLEN.

SIR, I'M NOT A PROBLEM TO YOU OR YOUR INSTITUTION. I'M NOT TRYING TO BE. I ONLY WANT THE MAIL I PAY FOR IN OVER A MONTH. I HAVEN'T RECEIVED MY PAPER WHY? WAS IT DISAPPROVED? AND WHY HAVEN'T I BEEN NOTIFIED? WILL THEY CONTINUE TO BE DENIED?

Inmate's Signature: K. Brown Date: 12/05/08

STAFF RESPONSE: While Reviewing this Paper it was determined that it violated op 803.2 section 12

RECEIVED

FEB 18 2009

Ombudsman Services Unit

RECEIVED
JAN 13 2009
GRIEVANCE

Respondent's Signature: [Signature]

Date: 12/12/08

KELVIN E. BROWN # 207902
PENITENTIARY PRISON D-313
P.O. Box 1900
RICHMOND, VIRGINIA 23219

RECEIVED
FEB 18 2009
Outreach Services Unit

DEPUTY DIRECTOR OF OPERATIONS
P.O. Box 26963
RICHMOND, VIRGINIA
23261-6963

BULK-



COMMONWEALTH of VIRGINIA

GENE M. JOHNSON
DIRECTOR

Department of Corrections

P. O. BOX 26963
RICHMOND, VIRGINIA 23261
(804) 674-3000

INMATE GRIEVANCE RESPONSE FORM Level III

K. Brown, #207902

Red Onion State Prison

620-29506

Inmate Name and Number

Institution

Log Number

Level III: Deputy Director/Director Response: (To be completed and mailed within twenty (20) calendar days)

I have reviewed your grievance appealing the decision of the Publication Review Committee's disapproval of the "The Final Call" publication, Volume 28, #'s 4, 10, 12, 13, 14, 15, & 18.

In accordance with Operating Procedure 803.2, Incoming Publications, Section V, E (6) approval to order or receive a publication or subscription is not a blanket approval of the publication; each issue will be reviewed at the facility prior to delivery to inmates. The Warden/Superintendent or his designee should disapprove any publication for receipt and possession by inmates, if it is not already on the Disapproved Publication List and it can be documented to contain material that violates Operating Procedure #803.2, as specifically listed in 803.2 Section V (L) and Attachment #1. Red Onion State Prison determined that the publication might have contained material in violation of Operating Procedure 803.2 and forwarded it to the Publication Review Committee in accordance with policy.

On March 6, 2009, "The Final Call" issues #4, 10, 12, 13, 14, 15, & 18 were reviewed by the Publication Review Committee and it was determined these issues violated Operating Procedure 803.2-Section V (L), Attachment 1, #7 and #12 as follows:

#7. Material that promotes or advocates violence, disorder, insurrection or terrorist activities against individuals, groups, organizations, the government, or any of its institutions

#12. Material whose content could be detrimental to the security, good-order, discipline of the facility, or offender rehabilitative efforts or the safety or health of offenders, staff, or others

I have considered your appeal of the Committee's decision and have determined that the Publication Review Committee disapproved the publication in accordance with Operating Procedure 803.2, Incoming Publications. I am upholding the Committee's decision. Your grievance is **unfounded**. You have exhausted all administrative remedies.

J. Jabe, Deputy Director of Operations

Date: 6/3/09

RECEIVED

JUN 09 2009

GRIEVANCE

Deputy Director, Operations

LEVEL I

MAY 06 2009

K. Brown, 207902
Inmate Name and NumberRed Onion State Prison
Institution620-29506
Deputy Director, Operations
Log Number**LEVEL I: Warden's Response** (To be completed and mailed within thirty calendar days.)

Grievance Summary: You stated you are grieving the disapproval by the Publication Review Committee of your "Final Call, Vol. 28, #'s 4; 10; 12; 13; 14; 15; and 18. This notice was dated March 31, 2009.

Informal Summary: Your disapproval notices from the Publication Review Committee is attached.

Investigation: As you were advised by the memorandum dated March 31, 2009, your publication was reviewed and determined to violate Procedure 803.2, #12. This decision was made by the Publication Review Committee, and Major Fleming was notified of their decision. All books, publications, and tapes are subject to review for compliance with Procedure 803.2 prior to delivery to you. It is only required that the policy number of the violation be noted on your disapproval notice.

Policy/Procedure: OP 803.2 governs this issue.

In accordance with the above information, this grievance is considered to be **UNFOUNDED**, as procedures have been correctly applied. No further action appears to be necessary at this time.



Warden

4-30-09

Date

In accordance with procedure 866.1 governing Inmate Grievance Procedures, if you are dissatisfied with this response you may appeal this decision within five (5) calendar days to:

Deputy Director of Operations,
P. O. Box 26963
Richmond, Virginia 23261-6963

I wish to appeal the LEVEL I Response because:

SEE ATTACHMENT →

NAME AND INMATE NUMBER

DATE

FT

RECEIVED

MAY 19 2009

Ombudsman Services Unit

RECEIVED

MAY 12 2009

OMBUDSMAN SERVICE UNIT
WESTERN REGION

RECEIVED

MAY 19 2009

RECEIVED

MAY 18 2009

Attachments:

Ombudsman Services Unit

Deputy Director, Operations

Appeal of Grievance 620-29506

As it relate to Procedure 803.2 #12, Institutional Major (L Fleming) claims, (these religious newspapers) "are" material whose content could be detrimental to the security, good order, discipline of the facility, or offender rehabilitative efforts or the safety or health of offenders, staff, or others."

This publication is approved throughout the VA D.O.C. I have received it for over 14 1/2 years, prior to coming to Red Onion in like manner, this publication has been coming into Red Onion since 1998. There has never been an assault, stabbing, riot, escape or any other reported disruption as a result of this publication nor has the institution displayed, reported, or otherwise collected or have data, via an investigation, that a future riot, escape, or planned assault or disruption is imminent.

RECEIVED

MAY 12 2009

Procedure 803.2 #12, is also in conjunction with the prior words of: "A publication should be disapproved if it can be reasonably documented contain!". Again in this alleged independent review, no reasonable ness has been rendered. Major Fleming has otherwise used his authority to deny, repeatedly, for over 6 1/2 months this publication without due process or offering a "reasonable reason. He uses policy arbitrariness. My personal conversation with him back.

Pg. 2

IN APRIL 2009, REVEALS, HE HAS A PERSONAL ISSUE WITH THE PHILOSOPHICAL TEACHINGS OF THE NATION OF ISLAM. HE OFFERED NO SOUND PROOF OR REASONABLE REASON - AS IT RELATE TO DANGER, DISORDER, OR SECURITY THREAT. I AM NOT A CHRISTIAN, THOUGH I RESPECT ALL CHRISTIANS. YET, I DO NOT BELIEVE IN MANY OF THEIR DOGMAS, DOCTRINES AND/OR PHILOSOPHY WHEN IT COMES TO JESUS, HELL, OR HEAVEN. THIS SHOULD NOT BE ENOUGH TO DENY A PERSONS RELIGION MATERIAL BECAUSE YOU DO NOT PERSONALLY AGREE. THIS IS THE MEASURE OF CREATING A SUBSTANTIAL BURDEN AND IT'S THE MOST RESTRICTED MEANS. CHAPLAIN DEPARTMENT DOES NOT PROVIDE/OFFER NATION OF ISLAM RELIGIOUS MATERIAL; VIDEOS SHOWN OVER CLOSE CIRCUIT TELEVISION ARE OLD, CUTS OFF HALF WAY THROUGH, AND HAS ONLY SHOWN TWICE IN THE 12 MONTHS I'VE BEEN AT (RED OXON.)

I ASKED MAJOR FLEMING, WHAT IS THE THREAT OR DISRUPTIVE ELEMENT OF THE PUBLICATION. HE OFFERED NO EXPLANATION. I ASKED, WHAT EVIDENCE DO HE OFFER TO SUPPORT THIS CLAIM; HE OFFERED NONE - ONLY WALKING AROUND. THERE HAS NEVER BEEN A REPORTED ASSAULT (PHYSICALLY OR VERBALLY) ON STAFF, OFFICERS, OR PRISONERS AS A RESULT OF THIS PUBLICATION. (RED OXON ALWAYS HAD, AND STILL DO HAVE RACIST OFFICERS WHO WALK AROUND AND VERBALIZE THEIR DISLIKE, HATRED, AND BIGOTRY FOR BLACKS, HISPANICS, AND B2-RACIAL PRISONER; THIS INCLUDE THEIR BIGOTRY TOWARDS ISLAM.

RECEIVED

MAY 19 2009

MAY 18 2009

PG. 3

Ombudsman Services Unit

Deputy Director, Operations

I HAD RECEIVED THIS PUBLICATION AT RED OUNON FROM AUG. 2008 UNTIL NOV. 2008, WITHOUT HAVE ONE DISAPPROVED OVER 12-13 WEEKS. WITHOUT TRUE REASON, THE PUBLICATION IS BEING REPEATEDLY DENIED - EVERY WEEK. THOUGH, THIS PUBLICATION IS BEING PERMITTED AT OTHER INSTITUTIONS (THAT'S A FACT).

THIS IS A RELIGIOUS PUBLICATION; IT DOES NOT ADVOCATE, PROMOTE, TEACH, OR ADVISE GANG ACTIVITY, TERRORISM, INSURRECTION, VIOLENCE, CIVIL UNREST OR ANYTHING ALIKE TO SUCH DOCTRINE. IT TEACHES JUST THE OPPOSITION. QUESTION: IF THIS PUBLICATION VIOLATES 803.2#12 - THEN WHY ARE THE BOOKS THAT CONTAIN THE SAME TEACHINGS ALLOWED IN THE INSTITUTION? YET, NO ~~OTHER~~ DETRIMENT HAS BEEN COMMITTED OR REPORTED?

I STATE, IN CONCLUSION, RED OUNON HAS ONLY QUOTED POLICY, OFFERING NO SUBSTANTIAL PROOF, EVIDENCE TO SUPPORT THEIR CLAIM. THIS IS ABUSE OF AUTHORITY AND VIOLATES MY DUE PROCESS RIGHTS TO A FAIR AND IMPARTIAL HEARING / REVIEW. (THE SAME PARTY THAT DENIED MY PUBLICATIONS, ARE THE SAME P.R.C. THAT REVIEWED THEM.) NO ONE REVIEWED THESE PUBLICATIONS WITH IMPARTIALITY OR FAIRNESS. EVIDENCE CLEARLY SHOWS, THIS PUBLICATION, IN THE PAST, PRESENT, OR FUTURE, POSES A THREAT TO THE INSTITUTION. (THIS IS A SEGREGATION UNIT; PRISONERS ARE RESTRICTED TO 23-24 HRS LOCK-DOWN; ALL MOVEMENT TO-FROM ARE IN CUFFS AND SHACKLES; PRISONERS ARE NOT PERMITTED TO TRADE - BACK.

PG. 5

OR EXCHANGE MATERIALS IN AN OVERALL MANNER, THIS IS THE ONLY MEANS FOR ME (AND OTHERS) TO OBTAIN MATERIAL OF ISLAM RELIGIOUS MATERIAL (CHAPLAIN DOES NOT PROVIDE SUCH). THIS IS THE MOST SECURE PRISON IS THE VA. D.O.C., WHERE IS THE SECURE THREAT OR DANGER? THE GOOD ORDER IS DETERMINED, TO CONTROL PRISONERS BEHAVIOR, PREVENT ESCAPES, ASSAULTS, RIOTS, ETC. (NONE OF THE ABOVE HAS TAKING PLACE OR BEEN REPORTED, AS A RESULT OF THIS PUBLICATION. IF IT "COULD," THEN WHERE IS THE PROOF/EVIDENCE? NONE HAS BEEN OFFERED.) THIS DISCIPLINE OF RED OXON, IS WHAT IT IS. TO DENY THIS PUBLICATION HAS NOT MADE RED OXON SAFER OR LESS SAFER: CHARGES ARE STILL WRITTEN BY DIFFERENT INCIDENCE, HOWEVER, NOT AT A COST OR CAUSE OF THIS PUBLICATION.) I AM NOT A SEXUAL OFFENDER (I'M CONFINED FOR ROBBERY AND GUN CHARGE, SENT TO RED OXON FOR ALLEGEDLY CLOSING A DOOR ON A COUNSELOR AT AUGUSTA, NOT RELATED TO A REHABILITATIVE MEANS. AND THIS PUBLICATION, IN NO WAY POSES A DANGER TO THE HEALTH OR WELL BEING OF THE STAFF, OFFICERS, OR OTHERS.

THIS PUBLICATION HAS BEEN REPEATEDLY DENIED SINCE NOV. 2008 (7 MONTHS), THIS IS AN ACT OF "BANNING" THIS PUBLICATION. THESE DENIED ISSUES ARE NOT LISTED IN "DYS-APPROVED LIST BOX", NOR HAVE THE AUTHORITIES CONTACTED PUBLISHER TO NOTIFY THEM OF SUCH (AS IT'S REPORTED IN 803.2). AND, OTHER INSTITUTIONS ARE PERMITTING THESE SAME ISSUES

RECEIVED

MAY 18 2009

Deputy Director, Operations

PG. 5

WITHOUT INCIDENT

I ASK THAT THERE BE A THOROUGH AND COMPLETE INDEPENDENT REVIEW OF "EACH DENIED ISSUE" OF THIS PUBLICATION, WITH AN IMPARTIAL REVIEW THAT EVIDENCE BE SUPPORTED, TO SUPPORT SUCH CLAIM BY AUTHORIZES AS Red ONION. (I STATE, TO CITE POLICY WITHOUT PROOF OR EVIDENCE IS AN ARBITRARILY ABUSE OF AUTHORITY AND PROOF OF RELIGIOUS AND RACIAL BIGOTRY AND DISCRIMINATION.)

AGAIN, THIS DENIAL DOES NOT SERVE A STATE OR DEMOLOGICAL INTEREST - AS IT RELATE TO SECURITY AND ORDERLY OPERATION OF Red ONION (THESE HAS BEEN IN SAME PRISON FOR OVER 10 YRS., SAME CRIMINAL COMPLAINT AND ALLEGATIONS.). THIS DENIAL DOES CREATE A SUBSTANTIAL BURDEN ON PRISONERS TO PRACTICE THEIR FAITH AND RELIGION (ESPECIALLY WHEN THE INSTITUTION DOES NOT OFFER NATION OF ISLAM RELIGIOUS MATERIAL NOR SHOW VIDEOS OF OR BY NATION OF ISLAM ON A REGULAR (WEEK) BASES.) THE FACTS SHOW, THIS ACT, ON BEHALF OF Red ONION AUTHORIZES, IS RELIGIOUS AND RACIAL MOTIVATED (I. CAN GET CHRISTIAN MATERIAL LIKE CLOCK-WORK.).

PLEASE REVIEW THIS MATTER AND REVIEW IT MOST FAVORABLE TO THE FACTS, EVIDENCE, WITH IMPARTIALITY AND WITHOUT BIASNESS

THANK YOU.

Mr. Kelvin Brown

RECEIVED

MAY 19 2009

Ombudsman Services Unit